

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO: 17275 of 1995

Between:

Veerapureddy Humavathi W/o. Narayana Reddy
Hindu, R/o.Pothapi, Pothapi (PO)
Nandaluru Mandal Rajampet Taluk, Kadapa District

..... PETITIONER

AND

- 1 The Commissioner of Survey Settlements and Land Records
Hyderabad.
- 2 The Director of Settlements, A.P., Hyderabad
- 3 The Settlement Officer, Nellore,Kadapa
- 4 The Mandal Revenue Officer
Penagalur Madal, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CSS&LRs., REf.No.P1/883/87,DT.26.4.94 communicated through Memo.No.CSS&LRs.P1/883/87,dt.23.6.94 and received by the petitioner's counsel on 21.12.94 from the 1st respondent and quash the same by the issuance of any appropriate writ, order or direction more particularly one in the nature of writ of certiorari.

Counsel for the Petitioner: MR. A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following **O R D E R**:

The order of the Commissioner of Survey, Settlements and Land Records passed on 26-04-1994 is subject matter of this writ petition. The petitioner, among other grounds, has taken a ground that the rights of the petitioner were conclusively decided by a civil Court judgment in O.S.No.54 of 1959. Therefore, these rights could not be disturbed by revenue authorities. He has pleaded in his writ petition that these facts were brought to the notice of the Commissioner, when he was hearing the revision. Even the copies of the civil Court judgment were produced before him. This has not been denied in the counter-affidavit. The order of the commissioner also does not disclose that he has taken into consideration the judgment of the civil Court passed with respect to the same property earlier.

In this view of the matter, I allow this writ petition, set aside the order of the Commissioner and remand the matter back to the Commissioner to decide the same afresh taking into consideration all the pleas raised before him. No order as to costs.

(Bilal Nazki, J)

20th January, 2005.

vrn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, the Twentieth day of January, Two Thousand and Five.

To

1 The Commissioner of Survey Settlements and Land Records
Hyderabad.

2 The Director of Settlements
A.P., Hyderabad

3 The Settlement Officer, Nellore
Cuddapah

4 The Mandal Revenue Officer
Penagalur Madal Cuddapah District

5 Two CCs to the Government Pleader for Revenue, High Court
Buildings, Hyderabad. (O.U.T.)

6 Two CD copies.